

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRINCETON DIGITAL IMAGE
CORPORATION,

Plaintiff,

-v-

HEWLETT-PACKARD, CO., *et al.*,

Defendants

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/21/2014

No. 12 Civ. 779 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Clerk of the Court is respectfully directed to docket the attached documents, which the Court received from the U.S. Department of State.

SO ORDERED.

Dated: March 21, 2014
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

Taiwan)
City of Taipei)
American Institute in Taiwan) ss:
Taipei Office)

I, Elizabeth S. Liu, Consular Officer, hereby depose and say as follows:

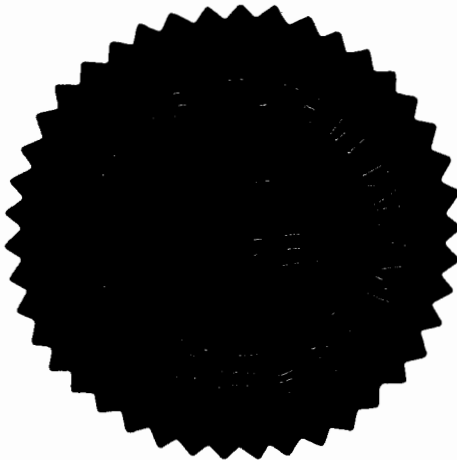
1. I am employed by the American Institute in Taiwan and am presently stationed at the American Institute in Taiwan, Taipei Office, Consular Section, American Citizen Services Unit.
2. In the absence of diplomatic relations, unofficial commercial, cultural and other relations between the people of the United States and the people of Taiwan are conducted by the American Institute in Taiwan, an unofficial organization funded by Congress.
3. The American Institute in Taiwan ("AIT"), a nonprofit entity incorporated under the laws of the District of Columbia, is authorized to assist and "... protect the interests of United States persons by performing acts such as are authorized to be performed outside the United States for consular purposes by such laws of the United States as the President may specify." See 22 U.S.C. 3305, 3306(a)(3). The judicial assistance acts of AIT personnel parallel the acts performed by U.S. consular officers under 28 U.S.C. 1781(a)(2). See 22 C.F.R. 92.54, 92.66.
4. Pursuant to Section 10(a) of the Taiwan Relations Act, 22 U.S.C. 3309(a), Taipei Economic and Cultural Representative Office (TECRO) is the instrumentality established by the people on Taiwan having the necessary authority under the laws of Taiwan to take actions on behalf of Taiwan in accordance with the Taiwan Relations Act (22 U.S.C. 3301 et seq. (Section 1-204, Ex. Or. No. 12143 of 6/22/79, 44 Fed Reg 37191.)
5. Officers of AIT follow the guidelines for performance of consular services set forth in 22 C.F.R. Part 92 and Volume 7 of the U.S. Department of State's Foreign Affairs Manual ("FAM"). 7 FAM Chapter 900 governs the performance of services related to international judicial assistance.
6. 22 U.S.C. 3306(b) provides that acts performed by authorized employees of AIT under 22 U.S.C. 3306 are valid, and of like force and effect within the United States, as if performed by any other person authorized under the laws of the United States to perform such acts.
7. Letters rogatory issued by a tribunal in the United States requesting international judicial assistance from Taiwan are transmitted, pursuant to

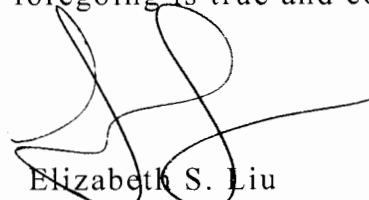
28 U.S.C. 1781(a)(2) to the foreign tribunal, officer, or agency to whom it is addressed through AIT. AIT transmits the request to TECRO, which forwards it to the appropriate Taiwan authority in a position to assign the request to a tribunal for execution. The executed request is received by AIT from TECRO and returned to the requesting tribunal in the United States.

8. On September 23, 2013, AIT received two sets of letters rogatory and accompanying documents requesting judicial assistance in connection with Princeton Digital Image Corp. v Hewlett-Packard et al., Case No.: 1:12-CV-00779-RJS, service upon Premier Image Technology Corp. On September 30, 2013, AIT transmitted these to TECRO for action.

9. On January 6, 2014, AIT received a communication from TECRO stating that the service could not be effected because there is no such company at the address as indicated in the legal document. Therefore, a set of letters rogatory and accompanying documents were returned to AIT by the Intellectual Property Court, New Taipei City, Taiwan on November 11, 2013.

I declare under penalty of perjury that the foregoing is true and correct.




Elizabeth S. Liu
Consular Officer

Executed in Taipei, Taiwan
On January 13, 2014

The foregoing Unsworn Declaration Under Penalty of Perjury was executed in accordance with 28 U.S.C. 1746.

北美事務協調委員會
駐美國台北經濟文化代表處總部
Coordination Council for North American Affairs
Headquarters for
Taipei Economic and Cultural Representative Office in the U.S.
(TECRO)
133 Bo Ai Road, Taipei City 10048, Taiwan, Republic of China
Tel: (02) 23119212 Fax: (02) 23822651

Ref No: TECRO 10258023390

January 2, 2014

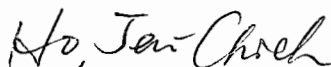
Mr. Morgan A. Parker
Chief
Consular Section
American Institute in Taiwan
Taipei Office
7, Lane 134, Xinyi Road, Sec. 3
Taipei 10659

JAN - 3 2014

Dear Mr. Parker,

In reply to AIT/T's letter (AIT-B-899) dated September 30, 2013 concerning the transmittal of legal documents to Premier Image Technology Corp., I am writing to inform you that the service has not been effected. Enclosed please find the returned original set of legal documents attached to AIT/T's above-mentioned letter and a copy of the letter from the Department of Treaty and Legal Affairs, Ministry of Foreign Affairs for your reference.

Sincerely yours,



Patrick J. Ho
Chief
Administrative Division

Encls : a/s

2014

傳遞方式：紙本寄送

外交部條約法律司 函

機關地址：臺北市凱達格蘭大道二號

承辦人：張泓琦

電話：(02)2348-2510

電子信箱：bhcchang@mofa.gov.tw

受文者：北美事務協調委員會

發文日期：中華民國102年12月27日

發文字號：條法字第10224082010號

速別：普通件

密等及解密條件或保密期限：普通

附件：如文

主旨：關於美國法院委託協助向Premier Image Technology Corp. 取得相關證詞資料事，因依原聲請書地所載地址，據報查無應受訊問公司，茲檢還原文書乙全份，請 查照。

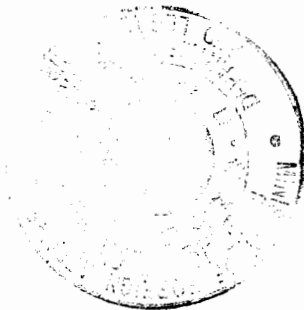
說明：

一、復 貴會102年10月4日北協行字第10258019380號函。

二、依據智慧財產法院102年11月14日智院真勇102民助5字第102004928號函辦理。

正本：北美事務協調委員會

副本：



限時雙掛號



智慧財產法院

Intellectual Property Court

22041新北市板橋區縣民大道2段7號(即板橋車站大廈)3樓

3F., No. 7, Sec. 2, Citizen Rd., Banqiao Dist., New Taipei City,

2241, Taiwan, R.O.C

TEL: (02) 2272-6696

股別：勇

102年度民助字第5號

公文封



98-00-00-48C

大宗限時郵資已付掛號函件

台北縣政府郵局(板橋30支局)

第002772號



受送達人居住所或代收文件處：
114 臺北市內湖區基湖路32號11樓

①Premier Image Technology Corp.

女士
先生



樂世公司

法院文件，無法依民事訴訟法第 136 條、第 137 條規定投遞（送達）時，請依同法第 138 條規定寄存送達地之自治或警察機關，並作送達通知書兩份，一份黏貼於應受送達人之門首，另一份置於該送達處所信箱或其他適當位置，以為送達。

電話傳真



United States Department of State

Washington, D.C. 20520

MEMORANDUM

TO: The Clerk of Court

FROM: Linda P. McFadyen
East Asia and Pacific Division
Overseas Citizens Services
March 14

DATE: ~~February 11~~, 2014

RE: Judicial Assistance in Taiwan

CASE: Princeton Digital Image Corp. v. Hewlett-Packard et al.
Case No.: 1:12-CV-00779-RJS
Service upon: Premier Image Technology Corp.

The enclosed envelope contains a response to a letter rogatory signed by a judge in this court where the case is being tried.

Please handle this response as is customary for requests for evidence in your court.

Please feel free to contact **Duane Morris LLP, Attn.: T. Parker, 100 High Street, Suite 2400, Boston, Massachusetts 02110-1724, tel. 713-402-3900, fax 713-402-3901** with any questions you may have.

Enclosure: as stated